(8) THE MADRAS MAINTENANCE OF PUBLIC ORDER (AMENDMENT) BILL, 1950 (NOT INTRODUCED)

THE HON. SRI K. MADHAVA MENON :—" Sir, I do not propose to introduce the Madras Maintenance of Public Order (Amendment) Bill, 1950, to-day. It may be passed over."

DEPUTY CHAIRMAN :—" Item II (9) in the agenda, viz., the Madras Maintenance of Public Order (Amendment) Bill, 1950, is passed over. Then we take up the next Bill on the agenda."

(9) THE MADRAS LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) BILL, 1950.

THE HON. SRI B. GOPALA REDDI :—" Sir, I introduce the Madras Legislature (Prohibition of Simultaneous Membership) Bill [a], 1950, and move—

' *that the Bill be taken into consideration at once.*'

Article 190 (1) of the Constitution reads as follows :—

' No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. '

I am bringing this Bill under this Article. If a Member who is a Member of the Second Chamber or the Legislative Council is elected to the Assembly or *vice versa*, what should happen? All these things are governed by this Bill. What happens if a Member is elected both to the Union Parliament and to this House is governed by Article 101? It is already laid down in the Constitution. So, we need not trouble ourselves with what would happen to such persons. If a person is a Member of a Council and if he is elected to the Assembly and *vice versa* or if he is simultaneously elected to both the Assembly and to the Council, what will happen? That is covered by this Bill.

" It is fortunate that our State is going to have a bicameral Legislature. That is governed by Article 168 of the Constitution which says that Madras shall have a Legislative Council also. I may recall to the Members that the Joint Select Committee Report published in 1934 or 1935 originally did not provide for a Second Chamber for Madras. But on representations made by certain parties here or I do not know whether it was on a specific Resolution of the House, a Second Chamber was provided for Madras ultimately in the Government of India Act, 1935 and we have been functioning since 1937 with a Second Chamber. In the new Constitution also, our Constitution framers have thought it right that Madras should be one of the States where a Legislative Council is also provided. That is the view of the Government also. It is appropriate that this Bill should be introduced first in the Upper House because it affects the bicameral Chamber. It is proper that the Upper House is considering it first. After it is passed, it will go to the Assembly. I suppose it is too late in the day to go into the question whether we should have a Second Chamber or not. I do not think this is the time for it because it is already provided in the Constitution that Madras shall have a Sconed Chamber. Hereafter, of course, the Union Parliament can legislate on the

a Published in the *Fort St. George Gazette* Extra ordinary, dated 7th August 1950.

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recommendations of the Assembly whether the Legislative Council should continue or not. That will come a little later. But as far as we are concerned to-day, it is presumed that we will have two Chambers and we must provide under Article 190 what should happen if a person is elected to both the Chambers. I think this is a non-controversial Bill and we need not go into the entire question of Second Chambers and whether they are useful or not. I request that this Bill may be taken into consideration at once."

DEPUTY CHAIRMAN :—" The question is— 3-45 p.m.

'that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be taken into consideration '."

The motion was carried.

Clauses 2, 3 and 4 were separately put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI :—" Sir, I move—

'that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be passed'."

DEPUTY CHAIRMAN :—" The question is—

'that the Madras Legislature (Prohibition of Simultaneous Membership) Bill, 1950, be passed '."

The motion was carried.

I now adjourn the House to meet again at 2-30 p.m. on Saturday, the 2nd September 1950.

The House then adjourned.

TRUTH ALONE TRIUMPHS